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MEMO ENDORSED

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March 13, 2023

By ECF

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plain, New York 10601

Re: *United States v. Markell Williams*, No. 22 Cr. 47 (S.D.N.Y.)

Dear Judge Karas:

I write on behalf of Markell Williams to notify the Court that Mr. Williams hereby withdraws his plea of guilty and to move the Court to accept his withdrawal. "A defendant may withdraw a plea of guilty . . . before the court accepts the plea, for any reason or no reason." Fed. R. Crim. P. 11(d)(1).

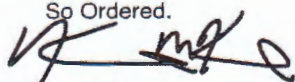
By way of background, after engaging in negotiations with the government, Mr. Williams pleaded guilty before Magistrate Judge Paul E. Davison on November 17, 2022. Twelve days later, on November 29, a grand jury returned an indictment charging Mr. Williams with additional crimes (the "22 Cr. 461 Indictment"). The indictment was placed under seal, and neither Mr. Williams nor I learned of the additional charges until three weeks after the change-of-plea hearing.

For a host of reasons stemming from the new, unexpected charges, including the mistaken belief that, by pleading guilty, he was resolving all criminal charges contemplated against him at the time by the United States Attorney's Office and the possibility that, without withdrawal, his plea of guilty may be used in an open case against him, *see* Fed. R. Evid. 410(a)(1) (Evidence of a guilty plea that was later withdrawn "is not admissible against the defendant who made the plea . . ."), Mr. Williams withdraws his plea of guilty in this case. I have conferred with AUSA Jennifer Ong, who advises me that the government has no objection to this application.

Granted.

Respectfully submitted,

So Ordered.


3/13/23


/s/ Ezra Spilke

cc: All counsel of record, by ECF
Markell Williams, by U.S.P.S.